

FILED
Clerk
District Court

FEB 29 2008

For The Northern Mariana Islands
By _____
(Deputy Clerk)

TIMOTHY H. BELLAS

Attorney-at-Law

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Saipan, MP 96950

Telephone: (670) 323-2115; Fax 323-2116

ATTORNEY FOR: Petitioner Zhu

**IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS**

ZHU, LIAN KUN ,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CIVIL CASE NO. 08- **00 1 2**

CRIMINAL CASE NO. 03-00018

**DECLARATION OF TIMOTHY
H. BELLAS IN SUPPORT OF
PETITION TO VACATE, SET
ASIDE, OR CORRECT
SENTENCE**

**PURSUANT TO 28 U.S.C.
§ 2255**

COMES NOW, TIMOTHY H. BELLAS, and states the following:

1. I am an attorney licensed to practice in the CNMI and an officer of this Court.
2. I am the CJA appointed attorney for the Petitioner in the above entitled matter and

1 competent to testify to the matters stated herein, if necessary.

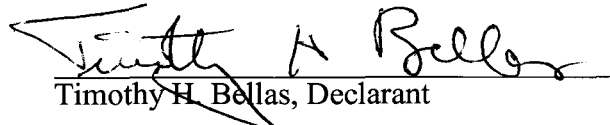
2 3. In the course of investigating this matter I have made contact with the Petitioner in
3 the institution in which he is incarcerated.

4 4. Such contact has been very difficult because he is in a facility on the East coast of
5 the U.S. mainland, requiring me to call at late night or very early morning hours.

6 5. In preparing the instant Motion, I contacted the Petitioner's prior court appointed
7 F. Mathew Smith and verified with him whether the Petitioner had raised the issue of possible
8 prosecutorial misconduct during the course of the trial in this case.

9 6. Mr. F. Mathew Smith confirmed that the Petitioner did raise this issue with him
10 during trial and that he did not make any record or notify the Court about the alleged incident.

11 I declare under penalty of perjury that the foregoing is true and correct and that this
12 declaration was executed on Saipan, CNMI on this 28th day of February, 2008.

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16 Timothy H. Bellas, Declarant
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